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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/825,027 | 04/02/2001 | David Michael Rogers | AMD-E1019 | 6915 |

7590 12/10/2002

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Third Floor
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EXAMINER

KOBERT, RUSSELL MARC

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2829

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,027

Applicant(s)

ROGERS ET AL.

Examiner

Russell M Kobert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-108 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. The requirement to elect in the Restriction mailed on May 6, 2002, paper No. 4, is hereby withdrawn in view of the new election requirement as follows.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-29, drawn to apparatus, classified in class 324, subclass 765.
- II. Claims 30-72, drawn to methods, classified in class 324, subclass 765.
- III. Claims 73-85, drawn to apparatus, classified in class 324, subclass 765.
- IV. Claims 86-96, drawn to apparatus, classified in class 324, subclass 765.
- V. Claims 97-108, drawn to apparatus, classified in class 324, subclass 765.

3. The inventions are distinct, each from the other because:

Inventions I, III, IV and V in a first set and II in a second set are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a plurality of methods as disclosed.

Inventions I, IV and V in a first set and III in a second set are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the

combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require an array of test circuits and a multiplexing circuit. The subcombination has separate utility such as by itself for its intended purpose or in other combinations.

Inventions IV and V in a first set and I in a second set are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination can be practiced without a second transistor pair coupled with a dummy device. The subcombination has separate utility such as by itself for its intended purpose or in other combinations.

Inventions V and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination can be practiced without a pull up capacitive device. The subcombination has separate utility such as having select transistors coupled between a common signal sense node and a respective individual test circuit.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. If Invention II is elected, further election of Species is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) The species to which claims 30-59 are drawn.
- (2) The species to which claims 60-72 are drawn.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. If any of Inventions I, III, IV or V are elected, further election of Species is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) The species of Figure 1.
- (2) The species of Figure 4.
- (3) The species of Figure 4 wherein transistors 102 and 104 are n-channel transistors.
- (4) The species of Figure 9.
- (5) The species of Figure 10.

- (6) The species of Figure 11.
- (7) The species of Figure 12.
- (8) The species of Figure 14.
- (9) The species of Figure 15.
- (10) The species of Figure 16.
- (11) The species of Figure 17.
- (12) The species of Figure 18.
- (13) The species of Figure 19.
- (14) The species of Figure 20.
- (15) The species of Figure 21.
- (16) The species of Figure 27.
- (17) The species of Figure 28.
- (18) The species of Figure 29.
- (19) The species of Figure 30.
- (20) The species of Figure 31.
- (21) The species of Figure 32.
- (22) The species of Figure 33.
- (23) The species of Figure 34.
- (24) The species of Figure 35.
- (25) The species of Figure 37.
- (26) The species of Figure 38.
- (27) The species of Figure 6 using the Circuit of Figure 1.

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- (28) The species of Figure 6 using the Circuit of Figure 9.
- (29) The species of Figure 6 using the Circuit of Figure 10.
- (30) The species of Figure 6 using the Circuit of Figure 11.
- (31) The species of Figure 6 using the Circuit of Figure 12.
- (32) The species of Figure 6 using the Circuit of Figure 14.
- (33) The species of Figure 6 using the Circuit of Figure 15.
- (34) The species of Figure 6 using the Circuit of Figure 16.
- (35) The species of Figure 6 using the Circuit of Figure 17.
- (36) The species of Figure 6 using the Circuit of Figure 18.
- (37) The species of Figure 6 using the Circuit of Figure 19.
- (38) The species of Figure 6 using the Circuit of Figure 20.
- (39) The species of Figure 6 using the Circuit of Figure 21.
- (40) The species of Figure 6 using the Circuit of Figure 27.
- (41) The species of Figure 6 using the Circuit of Figure 28.
- (42) The species of Figure 6 using the Circuit of Figure 29.
- (43) The species of Figure 6 using the Circuit of Figure 30.
- (44) The species of Figure 6 using the Circuit of Figure 31.
- (45) The species of Figure 6 using the Circuit of Figure 32.
- (46) The species of Figure 6 using the Circuit of Figure 33.
- (47) The species of Figure 6 using the Circuit of Figure 34.
- (48) The species of Figure 7 using the Circuit of Figure 1.
- (49) The species of Figure 7 using the Circuit of Figure 9.

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- (50) The species of Figure 7 using the Circuit of Figure 10.
- (51) The species of Figure 7 using the Circuit of Figure 11.
- (52) The species of Figure 7 using the Circuit of Figure 12.
- (53) The species of Figure 7 using the Circuit of Figure 14.
- (54) The species of Figure 7 using the Circuit of Figure 15.
- (55) The species of Figure 7 using the Circuit of Figure 16.
- (56) The species of Figure 7 using the Circuit of Figure 17.
- (57) The species of Figure 7 using the Circuit of Figure 18.
- (58) The species of Figure 7 using the Circuit of Figure 19.
- (59) The species of Figure 7 using the Circuit of Figure 20.
- (60) The species of Figure 7 using the Circuit of Figure 21.
- (61) The species of Figure 7 using the Circuit of Figure 27.
- (62) The species of Figure 7 using the Circuit of Figure 28.
- (63) The species of Figure 7 using the Circuit of Figure 29.
- (64) The species of Figure 7 using the Circuit of Figure 30.
- (65) The species of Figure 7 using the Circuit of Figure 31.
- (66) The species of Figure 7 using the Circuit of Figure 32.
- (67) The species of Figure 7 using the Circuit of Figure 33.
- (68) The species of Figure 7 using the Circuit of Figure 34.
- (69) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 1.

- (70) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 9.
- (71) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 10.
- (72) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 11.
- (73) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 12.
- (74) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 14.
- (75) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 15.
- (76) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 16.
- (77) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 17.
- (78) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 18.
- (79) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 19.
- (80) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 20.

- (81) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 21.
- (82) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 27.
- (83) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 28.
- (84) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 29.
- (85) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 30.
- (86) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 31.
- (87) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 32.
- (88) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 33.
- (89) The species of Figure 6 having resistors (630) implemented as transistors using the Circuit of Figure 34.
- (90) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 1.

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- (91) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 9.
- (92) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 10.
- (93) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 11.
- (94) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 12.
- (95) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 14.
- (96) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 15.
- (97) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 16.

- (98) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 17.
- (99) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 18.
- (100) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 19.
- (101) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 20.
- (102) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 21.
- (103) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 27.
- (104) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 28.

- (105) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 29.
- (106) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 30.
- (107) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 31.
- (108) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 32.
- (109) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 33.
- (110) The species of Figure 6 having resistors (630) implemented as transistors with Clock Down Probe Pads connected to one another using the Circuit of Figure 34.
- (111) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 1.
- (112) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 9.

- (113) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 10.
- (114) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 11.
- (115) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 12.
- (116) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 14.
- (117) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 15.
- (118) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 16.
- (119) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 17.
- (120) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 18.
- (121) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 19.
- (122) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 20.
- (123) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 21.

- (124) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 27.
- (125) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 28.
- (126) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 29.
- (127) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 30.
- (128) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 31.
- (129) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 32.
- (130) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 33.
- (131) The species of Figure 7 with Clock Down Nodes connected to one another to one common Clock Down Node Pad using the Circuit of Figure 34.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. If any of Species 1, 4-8, 12, 16-17, 27-32, 36, 40-41, 48-53, 57, 61-62, 69-74, 78, 82-83, 90-95, 99, 103-104, 111-116, 120 and 124-125 are elected, further election of sub-Species is required as follows:

This application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) The species of Figure 1 (unmodified).
- (2) The species of Figure 1 having alternate capacitors of Figure 8, item 802.
- (3) The species of Figure 1 having alternate capacitors of Figure 8, item 822.

- (4) The species of Figure 1 having alternate capacitors of Figure 8, item 832.
- (5) The species of Figure 9 (unmodified).
- (6) The species of Figure 9 having alternate capacitor of Figure 8, item 802.
- (7) The species of Figure 9 having alternate capacitor of Figure 8, item 822.
- (8) The species of Figure 9 having alternate capacitor of Figure 8, item 832.
- (9) The species of Figure 9 having alternate MOSFET of Figure 22, item 2200.
- (10) The species of Figure 9 having alternate MOSFET of Figure 22, item 2201.
- (11) The species of Figure 9 having alternate capacitor of Figure 8, item 802 and alternate MOSFET of Figure 22, item 2200.
- (12) The species of Figure 9 having alternate capacitor of Figure 8, item 822 and alternate MOSFET of Figure 22, item 2200.
- (13) The species of Figure 9 having alternate capacitor of Figure 8, item 832 and alternate MOSFET of Figure 22, item 2200.
- (14) The species of Figure 9 having alternate capacitor of Figure 8, item 802 and alternate MOSFET of Figure 22, item 2201.
- (15) The species of Figure 9 having alternate capacitor of Figure 8, item 822 and alternate MOSFET of Figure 22, item 2201.
- (16) The species of Figure 9 having alternate capacitor of Figure 8, item 832 and alternate MOSFET of Figure 22, item 2201.
- (17) The species of Figure 10 (unmodified).

- (18) The species of Figure 10 having alternate MOSFET of Figure 22, item 2200.
- (19) The species of Figure 10 having alternate MOSFET of Figure 22, item 2201.
- (20) The species of Figure 11 (unmodified).
- (21) The species of Figure 11 having alternate MOSFET of Figure 22, item 2200.
- (22) The species of Figure 11 having alternate MOSFET of Figure 22, item 2201.
- (23) The species of Figure 12 (unmodified).
- (24) The species of Figure 12 having alternate MOSFET of Figure 22, item 2200.
- (25) The species of Figure 12 having alternate MOSFET of Figure 22, item 2201.
- (26) The species of Figure 14 (unmodified).
- (27) The species of Figure 14 having alternate capacitor of Figure 8, item 802.
- (28) The species of Figure 14 having alternate capacitor of Figure 8, item 822.
- (29) The species of Figure 14 having alternate capacitor of Figure 8, item 832.
- (30) The species of Figure 18 (unmodified).
- (31) The species of Figure 18 having alternate capacitor of Figure 8, item 802.
- (32) The species of Figure 18 having alternate capacitor of Figure 8, item 822.
- (33) The species of Figure 18 having alternate capacitor of Figure 8, item 832.

- (34) The species of Figure 27 (unmodified).
- (35) The species of Figure 27 having alternate capacitors of Figure 8, item 802.
- (36) The species of Figure 27 having alternate capacitors of Figure 8, item 822.
- (37) The species of Figure 27 having alternate capacitors of Figure 8, item 832.
- (38) The species of Figure 27 having alternate MOSFETs of Figure 22, item 2200.
- (39) The species of Figure 27 having alternate MOSFETs of Figure 22, item 2201.
- (40) The species of Figure 27 having alternate capacitors of Figure 8, item 802 and alternate MOSFETs of Figure 22, item 2200.
- (41) The species of Figure 27 having alternate capacitors of Figure 8, item 822 and alternate MOSFETs of Figure 22, item 2200.
- (42) The species of Figure 27 having alternate capacitors of Figure 8, item 832 and alternate MOSFETs of Figure 22, item 2200.
- (43) The species of Figure 27 having alternate capacitors of Figure 8, item 802 and alternate MOSFETs of Figure 22, item 2201.
- (44) The species of Figure 27 having alternate capacitors of Figure 8, item 822 and alternate MOSFETs of Figure 22, item 2201.
- (45) The species of Figure 27 having alternate capacitors of Figure 8, item 832 and alternate MOSFETs of Figure 22, item 2201.
- (46) The species of Figure 28 (unmodified).

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(47) The species of Figure 28 having alternate MOSFETs of Figure 22, item 2200.

(48) The species of Figure 28 having alternate MOSFETs of Figure 22, item 2201.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

9. To clarify an Election of Species followed by an Election of Sub-species, the election to be considered proper must contain a listing of all claims that read on both, the elected species and an election of sub-species unless an election of sub-species is not applicable. It is imperative to note that claims, which read on an elected sub-species, are limited only to claims that read on an elected species. For example, if claims 3, 6, 9 and 11 were elected to read on a particular species then at most only claims 3, 6, 9 and 11 could be chosen to read on a particular subspecies. In no case should any chosen claim not read on an elected species and/or elected sub-species.

10. A telephone call was made to the Office of the Attorney of Record on December 6, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

A shortened statutory period for response to this action is set to expire one month(s) from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (703) 308-5222.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Russell M. Kobert
Patent Examiner
Group Art Unit 2829
December 6, 2002



KAMAND CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800